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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

Report of the Secretary-General

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Introduction

1. Under Commission on Human Rights resolution 1993/6 of 19 February 1993, endorsed by the Economic and Social Council in its decision 1993/254 of 28 July 1993 and by the General Assembly in its resolution 48/154 of 20 December 1993, an operational presence of the Office of the High Commissioner for Human Rights in Cambodia was mandated:

(a) To manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) To assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently adhered to, including the preparation of reports to the relevant monitoring committees;

(c) To provide support to bona fide human right groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. A Special Representative of the Secretary-General for Human Rights in Cambodia was appointed in 1993 by the Commission on Human Rights, by its resolution 1993/6, to undertake the following tasks:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights.

3. Mr. Thomas Hammarberg (Sweden) was appointed by the Secretary-General as his Special Representative for Human Rights in Cambodia in early 1996, following the resignation of Mr. Michael Kirby subsequent to his appointment to the High Court of Australia. Since he assumed the functions of Special Representative in May 1996, Mr. Hammarberg has undertaken seven official missions to Cambodia and reported to the Secretary-General (see A/52/489, A/51/453 and Add.1) and the Commission on Human Rights (E/CN.4/1997/85). He is also to report to the present session of the Commission (E/CN.4/1998/95).

4. The Commission on Human Rights at its fifty-third session adopted resolution 1997/49 on 11 April 1997, entitled the "Situation of human rights in Cambodia" in which the Commission requested the Secretary-General, through his Special Representative for Human Rights in Cambodia, in collaboration with

the Office of the High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia.

5. The Commission took note with concern about the situation of human rights, especially the functioning of the system of justice, as reported by the Special Representative in his report to the Commission (E/CN.4/1997/85). The Commission strongly condemned the violent attack on a peaceful and lawful opposition rally in Phnom Penh on 30 March 1997 and called upon the Government to take immediate measures to uphold the rule of law and to bring the perpetrators to justice.

6. The Commission further requested the Secretary-General, through his Special Representative for Human Rights in Cambodia, in collaboration with the Office of the High Commissioner for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law. The present report is submitted in accordance with paragraph 27 of resolution 1997/49.

I. VISIT TO CAMBODIA BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

7. The High Commissioner for Human Rights, Ms. Mary Robinson, visited Cambodia from 22-25 January 1998, her first official mission to Asia since taking up her functions in September 1997. The principal purposes of the visit were to discuss directly with the Government a broad range of human rights issues, to meet with the non-governmental community and learn about the activities of various organizations for the promotion and protection of human rights, and to demonstrate support for the work of the Cambodia office of the High Commissioner for Human Rights and for that of the Special Representative of the Secretary-General.

8. The High Commissioner held discussions with H.E. Mr. Chea Sim, the acting head of State, and H.E. Mr. Ung Huot, H.E. Mr. Hun Sen, H.E. Mr. Chem Snguon, and H.E. Mr. You Hockery representing the Royal Government. The discussions focused on the organization of free and fair elections, the problem of impunity, and the cooperation in the field of human rights between the Office of the High Commissioner for Human Rights and the Government of Cambodia.

9. The High Commissioner underlined the components essential for an atmosphere conducive to free and fair elections, including ensuring fair access to the media and of fundamental rights and freedom such as the right to assembly and freedom of expression. The High Commissioner was encouraged by the strong Constitution which Cambodia had adopted and stressed that it was crucially important for the preparation of the elections that the Constitutional Council, as provided for by the Constitution, be established without delay. The High Commissioner was pleased to learn that a draft law on the establishment and functioning of the Constitutional Council has now been submitted to the National Assembly by the Council of Ministers.

10. At her meetings with the high-level government leaders, the High Commissioner stressed the importance of breaking the cycle of impunity, particularly for the preparation of free and fair elections. The

High Commissioner insisted upon the responsibility of the Government to investigate cases of politically motivated crimes, including the 30 March 1997 grenade attack on a peaceful demonstration and the cases of extrajudicial killings since July 1997. The High Commissioner pointed out that the purpose of the memorandum submitted by the Special Representative to the Government in August 1997 was to provide useful information to assist the Government in conducting serious and through investigations. It was explained to the High Commissioner that it was difficult to conduct an investigation and that an interministerial effort was necessary. The Government welcomed the offer of the High Commissioner to assist with the investigation process by providing the service of an international expert.

11. The High Commissioner referred to General Assembly resolution 52/135 of December 1997. She also noted that the international community had responded positively to the Government's request for assistance in addressing the gross violations of human rights committed during the Khmer Rouge regime from 1975-1979. The High Commissioner noted that it was important for the country to put that period behind it. The Government welcomed the proposal to appoint a team of experts to evaluate the existing evidence and propose further measures.

12. The Government expressed to the High Commissioner its appreciation of the work of the Cambodia office and dispelled rumours of doubts about the continued presence of the office. As agreed at the meeting with Mr. Ung Huot, the High Commissioner has sent him a letter relating to an extension of two years of the memorandum of understanding between the United Nations High Commissioner for Human Rights and the Government for the implementation of a technical cooperation programme on human rights.

13. The High Commissioner held several meetings with Cambodian NGOs. She met with leaders of all the major human rights NGOs, listened to their views on the current human rights situation, and learned about their work in the areas of human rights education, monitoring and investigation of human rights abuses, training of police, training of Buddhist monks, and minority rights.

14. The High Commissioner discussed with NGOs working in the area of women's and children's rights the problems of child prostitution, trafficking of women and children, street children, child labour, violence against women, low participation of women in the political life of the country, and the high rate of HIV/AIDS infection among prostitutes. The High Commissioner informed the NGO representatives that the protection and promotion of human rights of women and children were priorities for her as High Commissioner and that she would, through the Cambodia office, strengthen the support in these areas. The High Commissioner also visited an emergency shelter for women victims of trafficking and domestic violence, where she listened to the stories of victims of domestic violence and child prostitution.

15. The High Commissioner met with the two major NGO coalitions for the elections, the Committee for Free and Fair Elections (COMFREL) and the Coalition for Free and Fair Elections (COFFEL), and was briefed about the status of the electoral process as well as their concerns.

16. The High Commissioner had a meeting with all United Nations agencies and programmes present in the country and was briefed on their various areas of work, including economic and social development, public health, education, labour rights and refugee protection. The High Commissioner pointed out the human rights dimension of the activities of the United Nations agencies and emphasized the importance of working together as a team for the fulfilment of her mandate.

17. The High Commissioner visited Toul Sleng Museum, the former Khmer Rouge prison and torture centre where thousands of people perished. She reiterated the need to break the cycle of impunity and to combat acts of hatred and inhumanity. The High Commissioner appealed for continued commitment to the principle of universality of human rights and for continued vigilance so that genocide would never happen again. The High Commissioner also visited the site of the 30 March grenade attack against a peaceful demonstration in front of the National Assembly, in which at least 16 people were killed and over 100 injured. The High Commissioner laid a wreath and talked to the survivors of the attack.

18. Throughout her meetings with representatives of the Government, the High Commissioner had full and constructive discussions covering a wide range of human rights issues. She stressed the importance for the Government to take the necessary measures to build confidence in the country. She witnessed the important role of civil society and the valuable work of the Cambodia office through its various programmes, such as the judicial mentor programme which the High Commissioner saw in operation during her visit to the court and prison of Kandal province.

19. The High Commissioner also expressed her appreciation of the Special Representative's commitment, expertise and integrity, and expressed full confidence and support for his work.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN CAMBODIA IN 1997

20. In 1997, the Cambodia office intensified its collaboration with the Special Representative of the Secretary-General for Human Rights in Cambodia, particularly following the 30 March grenade attack on a peaceful and legal demonstration in Phnom Penh, in which at least 16 people were killed and over 100 injured, and the violent events in July 1997 which resulted in the removal of the First Prime Minister, Prince Ranariddh. The Cambodia office assisted the Special Representative with his missions to Cambodia in March, June, September and December 1997 and with the gathering of information necessary for the exercise of his functions.

21. In the immediate aftermath of the factional fighting in July 1997, and particularly after the killing of a high-ranking United National Front for an Independent, Neutral, Peaceful Cooperative Cambodia (FUNCINPEC) official in custody at the Ministry of Interior hours after his arrest, a number of members of the Parliament, government officials, journalists, political party activists, police and military officials sought the assistance of the Cambodia office to leave the country because of the fear of persecution owing to their previous affiliations. The Cambodia office provided such assistance on an

exceptional case-by-case basis and in close cooperation with the offices in Cambodia of the Office of the United Nations High Commissioner for Refugees (UNHCR) and in other countries in the region, and in some cases with the support of the diplomatic community in Phnom Penh. In late 1997, the Cambodia office cooperated with the Office of the Special Representative of the Secretary-General in Cambodia for the return of some self-exiled Cambodian political personalities.

A. Assistance in legislative reform

22. The Cambodia office has carried out numerous activities for the creation, strengthening and support of a legal framework consistent with international human rights norms and for securing the promotion and protection of human rights and democracy. Assistance has been provided to the National Assembly and to its various committees, and to the Royal Government and its various ministries, in the drafting and implementation of the laws listed hereunder. Technical assistance has been provided to the judiciary through the judicial mentor programme and through the provincial offices network programme. Assistance has also been provided to civil society institutions, including non-governmental and media organizations and groups, concerning the drafting and implementation of laws.

Electoral and political parties laws

23. During the first quarter of 1997, the office provided comments on the draft local election law to the co-Ministers of Interior, political parties, members of the National Assembly and NGO election groups, at their request. Because of the political crisis, the National Assembly did not meet from April until August. However, deliberations on the election and political parties law continued at the Ministry of Interior and the office continued to provide legal commentary and expertise.

24. Subsequently, the Council of Ministers made changes in the draft laws prepared by the Ministry of Interior which potentially compromised the adequacy of the legal framework for free and fair elections - an issue that assumed greater importance in light of the factional fighting that led to the removal of the First Prime Minister, the head of the political party that had won the 1993 election. As the Cambodia office had provided most of the legal expertise during the prolonged drafting process, the concerns of the office were sent to leading members of the National Assembly. The substance of these concerns was communicated to the Government and shared with other United Nations agencies and members of the diplomatic corps. The office prepared extended commentaries on both laws which were translated into Khmer and distributed to members of Parliament. At the request of the Office of the Special Representative of the Secretary-General in Cambodia, the Cambodia office prepared draft amendments on the key areas of concern. These amendments were utilized by the Special Representative to communicate to the Government the minimum standards that are required by the international community with respect to the legal framework for free and fair elections.

25. The office attended the National Assembly sessions where the final text was debated and adopted. The office provided briefings on the legal framework to members of bilateral and multilateral election specialists from States

Members of the United Nations visiting Cambodia. And throughout 1997 the Cambodia office participated in coordinating meetings of potential donors to the Cambodian election held under the auspices of the United Nations Development Programme (UNDP). The office will monitor the implementation of the political party and electoral laws during the run-up to elections.

Law on associations and non-governmental organizations

26. In 1997, the office continued to consult with Ministry of Interior officials on various articles and provisions of a draft text. The draft text had been approved by the Ministry of Interior and sent to the Council of Ministers in May 1996. A meeting of Minister of Interior Sar Kheng and the entire NGO community was held in September 1996 to discuss the draft. A new draft was sent to the Council of Ministers by the Ministry of Interior in January 1997. A petition addressed by NGOs to the Ministry of Interior resulted in further revisions. A new government draft, which takes into account some of the concerns raised by the NGO community, was finalized in May 1997 and sent to the Council of Ministers. In November 1997, the Council of Ministers requested that the Ministry redraft part of the law, making a clear separation between provisions applicable to associations and provisions applicable to NGOs.

27. As for the agreement between the Royal Government of Cambodia and the international NGOs which regulates registration and activities of foreign NGOs, a second version of the 1996 draft was sent by the Ministry for Foreign Affairs to the Council of Ministers for approval in November 1997.

Labour law

28. The labour law was adopted by the National Assembly in January. The law gives cause for concern, in that it is very technical and complex, requiring a large administrative and monitoring apparatus for its implementation. The law also requires the adoption of a substantial number of proclamations and sub-decrees regulating the procedures for implementing its provisions.

Law on disability

29. The office participated in continued meetings of the NGO working group on disabled persons throughout 1997. A draft law on disability has been produced and will be finalized and submitted to the Government in early 1998.

Law on the Constitutional Council

30. The Council of Ministers is currently discussing a draft law on the Constitutional Council, which is expected to be sent to the National Assembly for adoption very soon, since the establishment of the Constitutional Council is necessary for the conduct of elections. The Cambodia office had prepared an early draft which was translated into Khmer and provided to the Ministry of Justice in June 1997.

Law Sub-decree on the Press

31. At the time of the passage of the Press Law in 1995, the Ministry of Information made pledges to the National Assembly to draft a sub-decree defining previously undefined terms, necessary for the implementation of the Press Law. The office has continued to provide expert advice to the Ministry of Information and the local press associations, with which the Ministry engaged in a process of consultation.

Prison proclamations

32. The proclamation (prakas), which constitutes the legal basis for the operation of Cambodia's prisons, is under discussion at the Ministry of Interior. In May 1997, the Australian Criminal Justice Assistance Project became involved in revising the draft proclamation for approval by the Ministry of Interior. The Cambodia office has participated in the weekly working sessions on the revised text.

Law on landmines

33. A meeting was held in June 1997 between the co-Minister of Defence and the Special Representative, in which the latter expressed his concern about the lack of progress in the adoption of the draft law on landmines. Since the June meeting, the law, the preparation of which the office assisted with in 1995, was sent again to the Government. In the following months, the office continued to urge the Council of Ministers to approve this legislation. The Council of Ministers sent the government draft to the National Assembly for adoption in November 1997.

Criminal law and law on criminal procedure

34. Following a request from the Minister of Justice, the office recruited an international consultant to review the draft criminal law and the law on criminal procedure and provide advice to the Ministry of Justice in finalizing these essential draft laws. Some additional guarantees protecting the rights of the individual and the right to a defence were included. The draft law on criminal procedure is expected to be sent shortly to the Council of Ministers for approval.

Law on domestic violence

35. A draft law on domestic violence was prepared by the office, in consultation with NGOs and an official of the Ministry of Women's Affairs. The draft was forwarded to the Ministry and is awaiting signature by the Under-Secretary of State for Women's Affairs, before being sent to the Council of Ministers.

Implementation of laws in general

36. The office continues to monitor the implementation of laws to ensure that their application is consistent with internationally recognized human rights standards. In particular, the office has continued to advise NGOs and the Commission on Human Rights and Reception of Complaints of the

National Assembly, at their request, on the human rights aspects of laws and their implementation, including in all of the above-mentioned subject areas. The office has followed up on the establishment and composition of the Supreme Council of Magistracy, the body responsible for safeguarding the independence of the judiciary and for the appointment, promotion and discipline of judges. A first meeting of the Supreme Council of Magistracy was convened in December 1997, during which 42 magistrates, trained by the office in 1995-1996, were appointed. The draft law on the statute of judges was also considered at that meeting, and forwarded by the Supreme Council of Magistracy to the Council of Ministers.

37. The office continues to follow up on the implementation of the labour law, especially concerning the establishment and recognition of trade unions, child labour, and the situation of female workers. The office monitored the series of workers' demonstrations that accompanied the beginning of independent trade union organizing in Cambodia in early 1997.

38. The Cambodia office monitors both the implementation of the nationality law and the immigration law, and remains concerned about cases of arbitrary expulsions under these laws, especially regarding ethnic Vietnamese. In spite of provisions in the 1996 Sub-Decree on Khmer Nationality Identity Cards, not all persons holding Khmer nationality under the nationality law were issued an identity card. A regulation of the National Electoral Committee shall have to determine which documents are valid for voter registration under the electoral law.

39. The implementation of the law on drug control, which contains provisions with potential to affect the civil liberties of those suspected or arrested for violations of this law, is monitored by the office by following through an increasing number of court cases which were referred to the Phnom Penh Municipal Court.

40. The office has monitored the implementation of the Law on the Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Beings. The office has cooperated with police and local NGOs in rescuing women and children forced into sexual exploitation.

41. The implementation of the environmental law, passed by the National Assembly in November 1996, is further monitored, and gives reason for concern. Logging activities have continued unabated, and the Government has paid little attention to the right of Cambodia's highland peoples in the planning and prioritizing of development for the region. The Law on Environmental Protection and Natural Resources Management, promulgated in December 1996, does not contain substantive requirements which can be implemented without the promulgation of subsidiary legal instruments. At present, a draft sub-decree on environmental impact assessment is under discussion at the Ministry of Environment, and draft legal instruments on protected areas, including recognizing the rights to and interests in property of indigenous communities, water quality management and solid waste management are being prepared.

B. Administration of justice

The judicial mentor programme

42. In 1997, the Cambodia office continued to implement the judicial mentor programme, with additional financial assistance from UNDP to achieve the following objectives:

(a) To assist Cambodian courts in implementing legislation in conformity with international human rights standards;

(b) To assist in improving coordination between the courts, prison officials, the police, the military, and the provincial administration;

(c) To assist judges, prosecutors and clerks in the day-to-day functioning of the courts with respect to organization, procedure and law;

(d) To prepare an assessment for a long-term overhaul of the judicial system and the policy and legal changes necessary to achieve it;

(e) To provide training to the judicial police, court clerks, prosecutors and judges as required.

43. Under the programme, judges or experienced lawyers from other countries are placed in the provincial and municipal courts to work with Cambodian judges, prosecutors and clerks on a daily basis. Training is offered for judges and prosecutors on the Cambodian Constitution, Cambodian law and international human rights norms. The mentors answer legal questions which arise in the course of the court's activities and work with all court personnel to improve court administration. They also provide training to local police, prison officials, military personnel and government officials. During the period under review, the programme was extended to seven provinces and one municipality. Owing to security reasons, an office opened in April 1997 in Banteay Meanchey was closed after July and relocated in Kompong Thom. Six mentors are currently working under the programme. In accordance with its policy of recruiting lawyers originating from the region, the three mentors who joined the programme in 1997 come from Malaysia, Japan and the Philippines.

44. Most of the court buildings are severely dilapidated, with leaking roofs and little or no electricity, running water, typewriters or office supplies, and inadequate courtroom space. Necessary equipment and other material assistance has been provided and court buildings have also been renovated in the provinces in which there are mentors. These efforts will contribute to the improvement of the status and effectiveness of the courts in Cambodia.

45. The Minister of Justice has continued to give full support to the programme and has asked that the office expand the programme, especially now that the formerly USAID-funded Cambodian Court Training Project has ceased its activities.

The introduction of formal non-custodial options into the criminal justice system of Cambodia

46. In light of the growing problem of prison overcrowding, as well as the absence in Cambodian law of the broad range of non-custodial options which are put at the disposal of judges in many other countries, the Ministry of Justice had requested the office to explore alternatives to incarceration for convicted persons. During the first phase of a six-week consultancy which took place at the end of 1996 and the beginning of 1997, a Zimbabwean consultant met with judges, prosecutors, representatives of various ministries, lawyers, defenders, prison officials and NGO representatives, and encountered almost unanimous support for the idea of introducing non-custodial options. A report on his findings was translated into Khmer and widely distributed. The second phase of the planned consultancy, which consisted of developing model legislation to be included in the draft criminal law and a training seminar, has not been implemented owing to the political developments in the country.

Compilation of laws

47. The office collected all relevant legal documents currently in force in Cambodia, mainly with regard to the administration of justice, to be published in a new Khmer-language compilation. The printing of this compilation received financial support from the Australian Agency for International Development. The books are being distributed on a large scale to policemen, judges, prosecutors, clerks, and other persons involved in the administration of justice and law enforcement-related activities.

Confidential reports to the Government

48. The office continued to submit confidential reports to the Royal Government on various human rights matters in accordance with a commonly applied procedure, whereby the office is requested to provide the Government with appropriate verified information about serious violations in order to assist the Government in the effective implementation of law and the administration of justice.

49. Confidential communications in 1997 included a letter in May to the Ministry of Interior regarding an incident in Banteay Meanchey province, in which the Chief of Judicial Police threatened the prosecutor and forcibly entered a prison compound to release a policeman charged with assault and battery against his wife. In November information was provided to the Minister of Justice on an incident in Pursat province in which police units shot, arrested and beat while in custody a prosecutor of the provincial court. The office further assisted the investigations of the Ministry of Justice in this matter. A report on 32 cases of torture by police personnel in Battambang was submitted in July by the Special Representative to the co-Ministers of Interior, the Minister of Justice, the Director-General of the National Police, the acting Governor and the Provincial Police Commissioner.

50. Additionally, the office prepared information on the prison situation throughout the country - in particular, delays in the allocation of funds to provincial prisons for the purchase of food rations for prisoners, shortages

of medicine, the unlawful release of prisoners and the killing of prisoners who attempt to escape - for submission by the Special Representative to the Ministry of Interior. Inasmuch as the severe delays in funding threatened to result in malnutrition, disease and starvation of prisoners, the Cambodia office requested food for prisoners from the World Food Programme (WFP) on an emergency humanitarian basis, in cooperation with the Ligue cambodgienne pour la protection et la défense des droits de l'homme (LICADHO), a Cambodian human rights NGO, on a prison-by-prison, month-by-month basis. The expectation was that the Ministry of Interior would be able to sort out and rectify the delays in the arrival of provincial prison funding by the end of 1997.

51. In September 1997, the office also expressed its concerns to the Minister of Justice over possible procedural irregularities during the highly politicized trial of Srung Vong Vannak, Suos Kasem and Prum Meanrith, on 9 September 1997.

C. National institutions for the promotion and protection of human rights

National Assembly Commission on Human Rights and Reception of Complaints

52. This Commission is responsible for receiving and investigating complaints from the public. The Commission on Human Rights has welcomed the Government's effort in establishing a mechanism through its National Assembly Commission on Human Rights and Reception of Complaints and identified financial assistance for the National Assembly Commission as a priority area. Funding from the European Union and the joint UNDP-OHCHR programme enabled the staff of the Commission to continue to function during 1997. Unfortunately, the political turmoil in mid-1997 adversely affected the Commission's work. Just before the fighting, the National Assembly Commission produced a valuable report on sexual exploitation, but the Commission had to postpone the intended follow-up seminars and convocations. UNDP funding will not continue in 1998, and the former Chairman of the Commission remains in exile. The Cambodia office will monitor developments and provide assistance as appropriate.

National Assembly law office

53. Support to the National Assembly Centre for Legal Research and Documentation continued in 1997 as part of the joint UNDP-OHCHR programme. Lawyers and assistants at the law office assisted the National Assembly in drafting and reviewing legislation, with particular emphasis on human rights issues and norms, and in addressing issues of the administration of justice, the rule of law, and legal consistency and clarity. UNDP funding for this programme will not continue in 1998.

D. Treaty reporting and international obligations

54. The Royal Government of Cambodia, with the assistance of the Cambodia office, has completed its reporting obligations under three conventions and continues to prepare its reports under three other United Nations human rights conventions.

55. The report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was submitted in February 1997. The reports on the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child were submitted, respectively, to the Human Rights Committee and the Committee on the Rights of the Child in December 1997. Since the report to the Committee on the Elimination of Racial Discrimination (CERD) was originally drafted in 1996, some updated information will need to be provided. Although the Cambodian human rights NGOs were made aware of the reporting process, they did not participate in the CERD process. Human rights NGOs were trained by the Cambodia office on the International Covenant on Civil and Political Rights and provided information to the Permanent Inter-Ministerial Secretariat, which is responsible for compiling the reports on several articles of the Covenant. NGO participation was much broader for the preparation of the report. NGO participation in future reports should increase as the reporting process becomes better known to the NGOs and as they acquire more experience and skills in providing their own reports.

56. The reports on the Covenant and the Convention on the Rights of the Child are being prepared for wide dissemination to ministries, tribunals, National Assembly, NGOs and international organizations. NGOs will be asked to provide further comments which could be integrated in updated reports to be sent to the treaty bodies.

57. In 1997, the Permanent Inter-Ministerial Secretariat in charge of the reporting obligations was strengthened with the assistance of the Cambodia office, in order to follow up on the implementation of the conventions and respond to particular human rights cases. Trainers from the Permanent Inter-Ministerial Secretariat were trained by the office in 1997 to carry out training of local officials on the conventions in 1998, particularly regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Two additional Ministry of Justice officials are assisting the Permanent Inter-Ministerial Secretariat to deal with its increasing workload. OHCHR gave a grant of US$ 20,700 to the Permanent Inter-Ministerial Secretariat in May 1997 under the Trust Fund for a Human Rights Education Programme in Cambodia to enable it to continue the work on reporting obligations.

58. In June 1997, the final draft of the report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was completed by an inter-ministerial subcommittee with technical cooperation and support from the office. However, owing to the July fighting, the draft report has not yet been sent to the Permanent Inter-Ministerial Secretariat for review. The office provided training to the members of the subcommittee on the provisions of the Convention, the relevant Cambodian law and United Nations reporting formats and procedures. The Cambodia office also assisted in arranging for members of the subcommittee field visits to prisons, interviews with victims of torture and ill-treatment, meetings with human rights NGOs, legal defence groups and court officials. With the cooperation of the NGO, Cambodia Human Rights and Development Association (ADHOC), members of the Inter-Ministerial Subcommittee on the Committee against Torture (CAT) addressed the issue of torture, ill-treatment and forced confessions at provincial seminars on human rights organized in Pursat (February), Koh Kong

(March), Kompong Cham (April) and Rattanakiri (June) provinces. In his interventions, the representative of the Subcommittee, a Ministry of Justice official, explained to provincial, district and commune officials, judges, prosecutors, prison officials, police, gendarmes and military officials about the obligations of Cambodia in reporting on the implementation of the Convention against Torture. He raised the problem of torture, ill-treatment and forced confessions in Cambodia, illustrating his comments with examples of torture that had recently occurred. He also explained relevant articles of the Constitution and Cambodian law that explicitly prohibit torture and forced confessions. The Cambodia office has also trained the Subcommittee and assisted it to prepare documents on the prevention of torture and ill-treatment for provincial training to be undertaken by the Subcommittee in six provinces in 1998.

59. The Inter-Ministerial Subcommittee on the Convention on the Elimination of All Forms of Discrimination against Women continued to work on the draft report. Concerned NGOs have expressed interest in the report and an NGO committee on the Convention is completing a report. The Permanent Inter-Ministerial Secretariat has requested a copy of the NGO report in order to include relevant information in the Government's report.

60. The Cambodia office provided assistance to the Inter-Ministerial Subcommittee responsible for the drafting of the initial country report on the International Covenant on Economic, Social and Cultural Rights. The Subcommittee has prepared a draft report and received comments from the Cambodia office, including on sections on the rights to self-determination, work, join labour unions, health and education. Work on the reporting process has been suspended since the violent events in July and is expected to resume in January 1998.

E. Assistance to human rights NGOs

61. More than 30 local NGOs work in various fields related to human rights. The Cambodia office continues to provide those groups, which are active in the field of protection, monitoring and education in human rights, with financial and technical assistance, in order to improve their competence in providing human rights education to the Cambodian people and their ability to monitor the human rights situation. Cambodia's thriving NGOs remain at the core of the development of civil society in the Kingdom.

62. Discussions were held in early 1997 with the Human Rights Action Committee, a coordination group of human rights NGOs which deals with urgent and serious abuses. The efforts of the Action Committee were reinforced through the provision of a permanent secretary and financial support to provincial action committees to conduct field investigations and provide emergency assistance to victims of human rights violations.

63. The Cambodia office participated throughout 1997 in seminars on human rights organized by the NGO ADHOC in several provinces (Koh Kong, Pursat, Kompong Chhnang, Kompong Cham, Prey Veng, Siem Reap, Rattanakiri, Kompong Speu and Takeo). Representatives of the Cambodia office were asked to talk about the mandate of the OHCHR, the role of human rights NGOs and government authorities in the respect and promotion of human rights, the rule of law, and

the elimination and prevention of torture and ill-treatment. Cambodia office staff also participated in good governance seminars organized by another NGO, the Cambodian Institute for Human Rights.

64. With assistance from the Cambodia office two experienced human rights specialists from the Philippines were recruited to work for six months with ADHOC and Vigilance to strengthen their monitoring and investigation activities. Similar assistance has been envisaged by the Cambodia office for the NGO Khmer Kampuchea Krom Human Rights Association (KKKHRA) in 1998. In coordination with two international NGOs, Private Agencies Collaborating Together (PACT) and International Cooperation for Social and Economic Development (CIDSE), assistance to Vigilance has been provided since May 1997 to strengthen its capacity to conduct its activities and to improve its organizational structure.

65. The office continues to consult with human rights NGOs on a broad range of human rights issues including illegal detention, torture, ill-treatment and forced confessions, attacks on peaceful demonstrators, trafficking, sexual exploitation and prostitution, NGO security in the aftermath of the July fighting, the creation of an independent National Human Rights Commission and the role of the coalitions of NGOs, the Committee on Free and Fair Elections (COMFREL) and the Coalition on Free and Fair Elections (COFFEL), in the elections scheduled for 1998.

66. Consultation with human rights NGOs, in particular with the provincial action committees, is taking place regularly in the provinces where the Cambodia office has an office (Battambang, Siem Reap, Kompong Cham, Kompong Chhnang, Prey Veng and Kampot), particularly in regard to monitoring the human rights situation, prison conditions and child abuse. The office also cooperates with local committees of NGOs and government authorities to tackle many of these issues.

67. The Cambodia office also provided assistance to NGOs working on cases involving trafficking of children for prostitution, child labour and human trafficking for labour.

68. The continued growth of indigenous human rights NGOs is crucial for the future development of civil society in Cambodia. Human rights NGOs have taken a leadership role within the NGO community, addressing many of the most sensitive and serious problems in Cambodia. NGOs are in daily contact with the people of Cambodia and have acquired skills and knowledge in human rights principles and monitoring. They are present in 15 of Cambodia's 21 provinces. Over 85 per cent of Cambodia's population lives in the provinces where the majority of human rights abuses occur; the provincial offices of the human rights NGOs are therefore crucial to the development of a broader knowledge of and respect for human rights. Since mid-1996, the Cambodia office has initiated a special and important programme of support aimed at reinforcing the capacity and activities of Cambodian human rights NGOs at the village, commune and district and provincial levels. A needs assessment study was undertaken by the Cambodia office in July 1996 and funds disbursed to support NGO provincial offices in terms of material equipment, core funding, training and opening of branch offices in particularly difficult districts. Six different NGO district offices will be opened in January 1998 in Takeo,

Kompong Speu, Kompong Cham, Prey Veng and Kandal provinces. The presence of those NGOs in the districts is particularly important in light of the upcoming elections. They will undertake training and dissemination of information and monitoring activities. Support for material equipment to NGO provincial offices is also essential, as some of them are poorly equipped, sometimes lacking even the most basic equipment such as chairs, tables, typewriters or transportation. With substantial funding made available by the Cambodia office under the United Nations Trust Fund for a Human Rights Education Programme in Cambodia, these NGOs have been able to acquire necessary equipment. Others have purchased radio or telephone equipment as communication is essential for their activities, as well as for the security of the NGO staff members.

69. By the end of 1997 the Cambodia office had disbursed US$ 160,500 under the United Nations Trust Fund for a Human Rights Education Programme in Cambodia for assistance to provincial offices of human rights NGOs. This programme will continue in 1998 with a particular focus on capacity-building of NGO networks in the districts, providing additional funding for two important human rights groups, providing additional equipment and materials, and upgrading the capacity of NGOs to deal with minorities' and indigenous peoples' rights.

70. The Cambodia office continues to finance specific NGO projects to enable human rights NGOs to undertake human rights activities in various areas such as women's and children's rights, minorities' rights, HIV/AIDS anti-discrimination, general human rights education in remote districts, labour rights, etc. (see the annex table). The United Nations Trust Fund has disbursed US$ 177,891 for NGO human rights activities in 1997.

71. The Cambodia office continues to receive many project proposals from human rights NGOs. The Cambodia office also continues to advise and assist NGOs on their projects and monitors project implementation and reports.

F. Education and training programmes and curriculum development

Education and training in the former Khmer Rouge zones

72. The programme was made possible through a contribution from a special UNDP fund for reconciliation projects in post-conflict areas previously inaccessible to the United Nations and the Royal Government because they were under the control of the Khmer Rouge. At the request of the Royal Government, the Cambodia office began to introduce in these zones information, education and training programmes for soldiers, police, teachers, monks, commune leaders and women's groups.

73. The Cambodia office reconciliation programme began in 1997 with the distribution of 20,000 basic booklets on human rights including illustrated versions of the Cambodian Constitution, the Universal Declaration of Human Rights, and materials on women's and children's rights. Further implementation was delayed initially by the factional fighting in July and then by the onset of the rainy season which made road access to many of these areas impossible. With the dry season in early 1998, the office will continue

the implementation of this programme, which will include setting up an office and training local staff to coordinate the implementation of education and training programmes.

Indigenous people's rights

74. At the request of the Inter-Ministerial Committee on Highland Peoples' Development (IMC), chaired by the Ministry of Rural Development and consisting of representatives of 10 different ministries, the office has provided advice and assistance on human rights principles and standards for the preparation of a draft national policy on highland peoples' development. The draft policy will be submitted to the Council of Ministers for approval as a sub-decree. Particular attention has been given to the close relationship between the identity and culture of the indigenous peoples and their natural environment, their dependency on shifting cultivation and non-timber forest products - and thus the crucial issues of land tenure and forest access and protection - for their subsistence and livelihood, and their rights to self-determination and cultural autonomy in the planning and implementation of development for the region. The office participated in IMC field visits to Mondulkiri, Ratanakiri, Kratie and Stung Treng for a series of workshops preparing national policy guidelines, and in two regional workshops including government representatives, NGOs and representatives from indigenous groups from Cambodia, the Lao People's Democratic Republic, Viet Nam and Thailand in Phnom Penh and Chiang Mai, Thailand.

75. The office contributed to an NGO-sponsored seminar in Ratanakiri on indigenous peoples' rights, in which provincial and district officials, military and police participated. Relevant documents regarding land rights in Ratanakiri have been collected and training curricula are being finalized for an ADHOC land rights awareness and extension training project in Ratanakiri. The training programme, which is set up in cooperation with the Governor of Ratanakiri, the Provincial Land Titles Department, UNDP-CARERE (Cambodia Resettlement and Reinsertion Programme) and the Non-Timber Forest Products Project, funded by UNDP-CARERE and implemented by ADHOC, will last one year and cover all districts, communes and villages of the province. Its three main objectives are to disseminate information about land rights options, the Cambodian land law and regulations and procedures to all the indigenous communities; to get their feedback on their actual village boundaries, land and forest use, as well as on land encroachment and conflicts - via mapping on the basis of participatory rapid appraisal; and to strengthen them with networking, peaceful conflict resolution and non-violent action skills.

76. The rapid destruction of Cambodia's forests seriously affects the indigenous communities and biological diversity. The office has also assisted and advised the NGO community, especially via the NGO Forum Environmental Working Group, in raising issues concerning the link between deforestation, hydropower dam development, and indigenous peoples' rights in Cambodia.

Royal Cambodian Armed Forces

77. The Royal Cambodian Armed Forces Human Rights Programme continues to be one of the major training activities of the Cambodia office. This programme

is being conducted in the majority of provinces by military human rights instructors trained by the Cambodia office. Each three-day workshop covers several topics such as the role of the armed forces in Cambodia's democracy. Over 70 three-day workshops were conducted in 1997 with 3,500 officers and soldiers completing the programme. The International Committee of the Red Cross (ICRC) continues to conduct sessions on international humanitarian law during many of these workshops. The Cambodia office plans to continue this Programme in 1998 with the addition of a section on the role of the military during free and fair elections. This programme continues to receive the strong support of the Department of Training and the Department of International Affairs of the Ministry of Defence.

Royal Gendarmerie

78. In early 1997, the Cambodia office conducted a second Royal Gendarmerie Human Rights and Law Training workshop. This seven-day workshop trained 42 officers of the Royal Gendarmerie how to utilize the Human Rights and Law curriculum developed by the office. Topics in the curriculum included the following: the Convention against Torture; the Standard Minimum Rules for the Treatment of Prisoners; the Supreme National Council (SNC) Criminal Law and Procedure; the rule of law; women's rights and the rights of the child. After the completion of this workshop, these officers returned to their respective provinces to begin this training for gendarmes stationed in the provinces. A majority of the provinces were represented. Several hundred gendarmes were trained with the support and assistance of the office. The programme has been suspended since the July fighting.

Police

79. Human Rights Training of Law Enforcement Officials is the longest-running training programme the office has supported and assisted. Since early 1995, three Cambodian non-governmental organizations, Vigilance, ADHOC and LICADHO, who were trained by the office utilizing curriculum developed by the office, have conducted workshops in the majority of the provinces and have trained over 20,000 law enforcement officials. In 1998 the office will provide a police pocket guide to thousands of law enforcement officials, detailing duties and procedures that are in accordance with Cambodian laws and international human rights standards.

Human rights training of prison officials

80. Several workshops on human rights training of prison officials were conducted in 1997 utilizing a curriculum developed by the Cambodia office. The following topics are included in this curriculum: international human rights conventions; Constitution of the Kingdom of Cambodia; SNC criminal law and procedure; and the Standard Minimum Rules for the Treatment of Prisoners. Approximately 100 prison officials were trained in 3 provinces by OHCHR provincial officers and LICADHO.

Human rights training of Buddhist monks

81. The Cambodia office continues to support and assist the non-governmental organization Khmer Buddhist Society to conduct this training in all provinces.

A second round of training for Buddhist monks who were trained earlier as human rights instructors was held in September. These monks then returned to the provinces to train other monks. The main focus of this training is to look at the interrelationships between Buddhism and human rights and to have monks more involved in dealing with the human rights aspects of social issues such as HIV/AIDS, domestic and child abuses, and environmental protection. A grant from the United Nations Trust Fund was also made to the Cambodian Institute for Human Rights for the development of a curriculum and training programme for Buddhist schools.

Minority rights

82. The Cambodia office has continued to support minority rights training through funds made available under the United Nations Trust Fund. Two Cambodian non-governmental organizations, Cham Khmer Islam Minority for Human Rights and Development Association and Khmer Kampuchea Krom for Human Rights and Development Association were trained by the office to utilize the curriculum developed by the office. Workshops in various provinces were conducted throughout the year. The primary target groups are the ethnic Cham and Vietnamese. A major topic of this training is what corrective actions could be taken when confronting discrimination.

HIV/AIDS anti-discrimination training

83. The office continues to support and assist HIV/AIDS anti-discrimination training programmes conducted by the Cambodian NGO Generous Association for Supporting Democracy, whose staff were trained by the office in utilizing the curriculum developed by the office. This training primarily targets the staff of hospitals and medical clinics. Several hundred medical professionals were trained in 1997 in Phnom Penh and Battambang province.

Labour rights training

84. As labour rights have become a major issue in Cambodia, the Cambodia office began working with the Cambodian NGO Cambodia Labour Organization in developing a labour rights curriculum and training the staff of that organization to teach the curriculum to Cambodian workers. Two major aspects of this curriculum are teaching workers about the newly passed labour law and the process of organizing independent free trade unions. The Cambodian Labour Organization has begun to train workers in a number of factories.

Squatters' rights training

85. In early 1997, the Cambodia office conducted 2 squatters' rights training programmes for 41 community leaders at the NGO Urban Sector Group. This training was geared to empowering community leaders in promoting and protecting the rights of rural poor who have migrated to the capital in search of work.

Lectures on human rights and law for trainee lawyers

86. Beginning in early 1997, in cooperation with the Cambodian Bar Association, the Cambodia office undertook a series of lectures on human

rights law for trainee lawyers. The main focus was domestic law provisions relevant to the promotion and protection of human rights and the application of international human rights law in the Cambodian legal system.

Training of new investigators of the National Assembly Commission on Human Rights and Receipt of Complaints

87. Staff of the Cambodia office trained new investigators of the National Assembly Commission on Human Rights and Receipt of Complaints, covering a variety of human rights subjects.

Curriculum development for free, fair and credible elections

88. Based on the handbook on human rights and elections published by the OHCHR in Geneva, the Cambodia office has made a first draft of a basic curriculum on the human rights dimensions of free and fair elections, including relevant provisions of Cambodia law. This curriculum will be made available to government and NGO trainers of Cambodians who will be conducting, monitoring and observing the 1998 elections. Elements of this curriculum will be included in the regular training programmes for various sectors during 1998.

Assessing the quality of the training programmes assisted and supported by the Cambodia office

89. Most of the training programmes are conducted by military officers or Cambodian NGO workers who have been trained as human rights instructors by the Cambodia office. Staff of the Cambodia office regularly observe many of the training programmes to assess the quality of the training.

G. Information and documentation

90. The Cambodia office continues to be a major production and distribution agency in the Kingdom for materials relating to human rights, including the Cambodian Constitution and relevant domestic laws and international legal instruments. In 1997 over 75,000 human rights documents were printed and distributed. Over 58,000 documents were distributed to ministries, departments and personnel of the Royal Government. Over 11,000 documents were distributed to Cambodian NGOs, and over 3,000 documents to international organizations.

91. Samples of materials distributed include: Constitution of the Kingdom of Cambodia (over 9,000 copies); illustrated excerpts of the Constitution (over 5,000 copies); SNC criminal law and procedure (over 6,500 copies); illustrated booklet on children's rights (5,000 copies); illustrated booklet on the Universal Declaration of Human Rights (5,000 copies); illustrated booklet on women's rights (5,000 copies); International Covenant on Civil and Political Rights (over 5,000 copies); Convention against Torture (over 4,000 copies); Convention on the Rights of the Child (over 1,000 copies); Convention on the Elimination of All Forms of Discrimination against Women (over 1,500 copies); Human Rights Fact Sheets (over 3,000 copies); International Covenant on Economic, Social and Cultural Rights (over 1,000 copies); Standard Minimum Rules for the Treatment of Prisoners (over 2,000 copies); United Nations Basic Principles on the Use of Force

and Firearms by Law Enforcement Officials (over 500 copies); and United Nations Basic Principles on the Independence of the Judiciary (over 500 copies). The office also distributed to ministries, departments and personnel of the Royal Government hundreds of copies in English and Khmer of the reports of the Special Representative of the Secretary-General for human rights in Cambodia to the General Assembly and the Commission on Human Rights, and the 22 August 1997 Memorandum on Evidence of Summary Executions, Torture and Disappearances Since 2-7 July 1997.

H. Network of provincial offices

92. The activities of the Cambodia office that were agreed upon by the Government in 1993 include the establishment of provincial offices of the office with the purpose of strengthening human rights activities at the provincial level and ensuring uniform implementation of the office's programme throughout the Cambodian territory.

93. The office opened its first provincial offices in Siem Reap and Kompong Cham in February 1995, followed by the Battambang office in April 1995. The establishment of provincial offices was welcomed by the local authorities. Each provincial office was staffed by a national provincial human rights officer and an international provincial human rights adviser, who is a United Nations Volunteer.

94. In February 1997, the office opened three new provincial offices in Kampot, Kompong Chhnang and Prey Veng. The three newly opened provincial offices are staffed by national human rights officers joined by three new United Nations Volunteers. In 1997, the office has provided four-wheel drive pick-up trucks to all provincial offices, recruited an additional human rights assistant for each of the provincial offices to enhance their capacity, and upgraded communications equipment to provide additional staff security.

95. The activities of the provincial offices include: (a) follow-up of the development of human rights situation; (b) human rights training programmes for the military, prison officials and police; (c) regular meetings with police, prison officials and the military; (d) technical advisory services to the local authorities; (e) monthly and emergency meetings with local human rights NGOs; (f) human rights NGO capacity-building programme; (g) assistance to human rights NGOs to investigate alleged human rights abuses; (h) visits to the prisons; (i) distribution of large amounts of human rights literature, including the Cambodian Constitution and law.

96. The Cambodia office is able to carry out the activities described in this report thanks to the support of the international community, especially through the generous financial contributions to the United Nations Trust Fund for a Human Rights Education Programme in Cambodia. Recent contributions to the Trust Fund have been received from Denmark, Sweden, the United Kingdom of Great Britain and Northern Ireland, the Netherlands and Japan. Several programmes of the Cambodia office have also benefited from the financial support of UNDP during 1997, including the judicial mentor programme, the provincial network programme, and the programme of support to the National Assembly. The Cambodia office also appreciates the continuous cooperation of the United Nations Volunteers programme in 1997.

Annex

GRANTS TO HUMAN RIGHTS NGO PROJECTS IN 1997

(in addition to programme of support to NGOs provincial offices)

Organization	Project	Amount granted (US$)
Urban Sector Group	Squatters' rights training	6 810
Human Rights Action Committee	Operational budget for human rights monitoring	11 220
Cambodian Labour Organization	Training on labour rights issues	18 000
Cham Khmer Islam Minority for Human Rights and Development Association	Training on minorities' rights	15 800
Khmer Kampuchea Krom for Human Rights and Development Association	Training on minorities' rights	6 009
Khmer Buddhist Society	Training on human rights and Buddhism for Buddhist monks	15 000
Cambodia Institute of Human Rights	Human rights curricula for Buddhist schools	24 800
Women Media Centre	Video spots projects for public announcements on various legal issues such as right to a lawyer, illegal possession of firearms, prohibition of torture, women and child trafficking, etc. in collaboration with the Ministry of Justice	23 652
Outreach	Human rights and democracy training in Takeo and Kompong Speu	10 000
Huripruda	Promotion of democracy and human rights in Stong district, Kompong Thom province	9 000
Khmer Rural Development Association	Human rights and democracy training in Mong Russei district, Battambang province	16 600
Generous Association for Supporting Democracy	Continuation of the HIV/AIDS anti-discrimination training programme	18 000
Khmer Youth Association	Literacy and human rights training in Prey Sar prison	3 000
TOTAL		177 891